

REMARKS

Applicant elects without traverse the invention of Class I drawn to the vacuum apparatus. Applicant notes for the record that the initial Restriction Requirement does not address claims 22 through 36. In an effort to advance prosecution, Applicant is responding based upon the current understanding of distinction being made between the apparatus and the method claims.

Applicant notes that should Applicant Elect Group I, the Examiner requested a further restriction requirement. Applicant respectfully submits that the further Restriction Requirement is now traversed in view of the amended claims above.

Inherent in original claim 1 is a portable vacuum cleaner having a discharge chute. The subject matter of original independent claim 22 has been incorporated into amended claim 1 to more particularly define and set forth the presently claimed invention. The remaining claims 23 through 28 have been amended such that they now depend either directly or indirectly from amended claim 1.

Applicant respectfully submits that all of the pending claims are directed to a vacuum cleaner apparatus and are believed to be in condition for examination without further restriction. The Examiner is invited to contact the undersigned to discuss any minor issue which remains following consideration of Applicant's response to the Election Requirement.

Please charge any additional fees required to Deposit Account No. 50-3172.

Respectfully submitted,

J. BENNETT MULLINAX, LLC

A handwritten signature in black ink, appearing to read "J. B. Mullinax", written in a cursive style.

J. Bennett Mullinax
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